MYSORE ACT No. XXI OF 1949.

THE MYSORE DISEASES OF ANIMALS ACT, 1949.

(Received the assent of His Highness the Maharaja on the 28th day of January, 1949.)

An Act to provide for the prevention of the spread of contagious or infectious diseases amongst animals in [1][the State of Mysore except Bellary District.]

WHEREAS it is expedient to provide for the prevention of the spread of contagious or infectious diseases amongst animals in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Diseases of Animals Act, 1949.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) 'animals' means bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats and all other ruminating animals, dogs, swine, horses, camels, asses, mules, fowls and includes such other domesticated animals as may be specified in this behalf by the Government by notification in the official Gazette;

(2) "contagious or infectious diseases" means rinderpest, anthrax, hæmorrhagic septicæmia, rabies, glanders and farcy, epizootic iymphangiais, surra, equine influenza or pink eye, sheep-pox, ranikhet disease and includes such other diseases as may be declared by the Government in the official Gazette to be contagious or infectious diseases for the purposes of this Act;

(3) "infected area" means an area in respect of which a notification under section 5 is in force:

(4) "infective" used with reference to an animal means affected by a contagious or infectious disease or having recently been in contact with or proximity to an animal so affected;

1. See the Mysore Adaptation of Laws Order, 1953.

(5) "prescribed" means prescribed by rules made under this Act ;

(6) "veterinary officer" means an officer of the Mysore Veterinary and Live-stock Department not below the rank of a veterinary inspector acting within the local limits of his jurisdiction, and in the absence of the said veterinary inspector from his jurisdiction, includes any officer of the said Department who in the opinion of the Government possesses suitable qualifications in veterinary medicine and who is authorised by the Government to carry on the duties of the veterinary inspector under this Act in such absence.

Report of contagious diseases.

3. (1) Every owner or person in charge or having control of an animal, and every veterinary practitioner attending to any animal in the course of his veterinary practice or otherwise, who has reason to believe that such an animal is infective, shall forthwith report and any other person, who has reason to believe, that an animal is infective may report the fact to the local patel or, where there is no patel, to the chairman of the village panchayet or the president of the municipality within the area of which such animal is for the time being kept.

(2) The patel or the chairman of the village panchayet or the president of the municipality on receiving any report under sub-section (1) or on any other information shall, unless for reasons to be recorded in writing he considers that the report is unfounded in fact, communicate without delay such report to the veterinary officer for the area and send copies thereof to the Superintendent, Veterinary and Live-stock Department in Mysore, Bangalore, the District Veterinary and Live-stock Officer of the District and the Amildar of the taluk to which the place belongs. The veterinary officer shall, on receiving such a communication, proceed without delay to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case.

(3) Whenever a veterinary officer has reason to believe that any animal within his jurisdiction is infective, he shall proceed as soon as possible to the place where the animal is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such animal has been received.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3), the veterinary officer is of the opinion that the animal is infective, he shall report the matter in the manner prescribed to such officer or officers of the Mysore Veterinary and Live-stock Department as the Government may appoint in this behalf and the veterinary officer shall also take such further action under the provisions of this Act as may be necessary or expedient.

Duty to segregate infective animals.

4. Every owner or person in charge or having control of an animal who has reasons to believe that such animal is infective shall, as far as may be possible in the circumstances, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near such animal.

Declaration of infected areas.

5. (1) The District Magistrate or such officer as the Government may authorise in this behalf may, by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which in the opinion of the District Veterinary and Live-stock Officer, or such officer as the Government may authorise, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious or infectious disease in respect of which the area is declared to be an infected area.

Prohibition of movement of animals, etc., into or out of infected areas.

6. (1) Save in accordance with the conditions of a licence granted by a veterinary officer—

(*a*) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness, or other things used in connection with an animal, and

(*b*) no person owning or having charge or control of any animal shall allow such animal to proceed,

from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the Government of any animal or thing referred to in that sub-section through an infected area:

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Preventive vaccination or inoculation in infected areas.

7. (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious or infectious disease in respect of which an area has been declared to be an infected area, the veterinary officer or his assistant, who may be authorised to do the work, shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a veterinary officer or his assistant vaccinates or inoculates any animal, he may for the purpose of identification also mark such animal in such manner as may be prescribed.

Compulsory segregation and treatment of animals in infected areas.

8. (1) When a veterinary officer or his assistant, after due examination of an animal and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner or person in charge or having control of such animal—

(*a*) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order;

(*b*) to subject it to such treatment as may be specified in the order;

and such owner or person in charge or having control of such animal shall comply with such order:

Provided that where there is no person in charge or having control of the animal and the owner is either unknown or cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order within such

time as in the opinion of the veterinary officer is reasonable, the veterinary officer shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent applies in the prescribed manner for the return of such animal to his possession, the animal shall be so returned if such owner or his authorised agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal the owner or his authorised agent, as the case may be, shall comply with any order which the veterinary officer may see fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent does not apply for the release of the animal under sub-section (2) and the animal is, in the opinion of the veterinary officer, no longer likely to infect any other animals with the contagious or infectious disease in respect of which it was seized, the veterinary officer shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3) if the veterinary officer after due examination of any animal, certifies in writing that such animal is affected with any of such contagious or infectious diseases as may be prescribed in this behalf, he may destroy the animal or deal with it in such other manner as may be prescribed.

Disinfection of buildings, etc., in infected areas.

9. Subject to such rules as may be prescribed, the veterinary officer may by order in writing require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vehicle or vessel disinfected and the internal fittings thereof and other things found therein to be disinfected or destroyed, in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

Prohibition of markets, fairs, etc., in infected areas.

10. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for

the purpose of sport or trade, without the permission in writing of the Deputy Commissioner or such officer as the Government may authorise in this behalf.

Powers of veterinary officer to subject infective animals to tests.

11. If the veterinary officer suspects that any animal is infective, he may subject it to such tests as may be prescribed and the owner or person in charge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

Powers of veterinary officer to carry out *post-mortem* examinations.

12. Subject to such rules as may be prescribed, the veterinary officer may make or cause to be made a *post-mortem* examination of any animal which at the time of its death was infective or suspected to have been then infective and for this purpose he may cause the carcass of any such animal to be exhumed.

Manner of burial or disposal of carcasses of infective animals.

13. (1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter or otherwise remove the carcass of an animal buried in compliance with the provisions of sub-section (1).

Prohibition on bringing infective animals into any market, fair, etc.

14. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Prohibition of sale or transfer of infective animals.

15. Whoever sells or attempts to sell or transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.

Penalties.

16. (1) Whoever—

(*a*) having reason to believe that an animal is infective fails to give information as required by sub-section (1) of section 3; or

(*b*) fails to segregate any animal as required by section 4, or

(*c*) contravenes the provisions of section 6, or

(*d*) fails to render every facility and assistance to a veterinary officer as required by section 7; or

(*e*) fails to comply with the order of a veterinary officer made under sub-section (1) of section 8; or

(*f*) fails to comply with an order made under section 9; or

(*g*) organises, holds or promotes, as the case may be, any animal market, animal fair, animal exhibition or other concentration of animals in contravention of the provisions of section 10; or

(*h*) fails to render every facility and assistance to a veterinary officer as required by section 11; or

(*i*) contravenes any of the provisions of section 13, shall be punished with fine which may extend to fifty rupees.

(2) If any person having been convicted of an offence punishable under any of the clauses (*a*) to (*i*) of sub-section (1) is again guilty of any offence punishable under that clause or is guilty of any offence punishable under any of the remaining said clauses, he shall be punished for every such subsequent offence with a fine which may extend to one hundred rupees.

Power of veterinary officer to enter and inspect land, etc.

17. Subject to such rules as may be prescribed, a veterinary officer may enter and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Time for complying with and enforcement of orders.

18. (1) Where by any requisition or order under this Act or under any notification or rule issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such a requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such things are not done within the time specified in accordance with the provisions of sub-section (1), the authority issuing the requisition or order may cause the measures to be taken or

the things to be done and the cost thereof shall be recoverable from the person who was required to take such measures or to do such things as if it were an arrear of land revenue.

Power of Police Officer to arrest without warrant.

19. Any police officer not below the rank of a Sub-Inspector may, at the request in writing of a veterinary officer, arrest without warrant, any person who has been concerned in any offence under this Act.

Cognizance of offences.

20. No court shall take cognizance of any offence under this Act except upon the complaint or report of a veterinary officer.

Jurisdiction of Courts.

21. No court inferior to that of a Magistrate of the first class shall try an offence under this Act.

Bar of claim to compensation.

22. No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

Indemnity.

23. No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to make rules.

24. (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner in which a report required in sub-section (1) of section (3) shall be made;

(*b*) the manner in which a notification issued under sub-section (1) of section 5 may be published;

(*c*) the kinds or classes of animals which shall be vaccinated or inoculated in respect of each contagious or infectious disease referred to in sub-section (1) of section 7;

(*d*) the manner in which an animal may be marked under sub-section (2) of section 7;

(*e*) the manner in which an application under sub-section (2) of section 8 shall be made;

(*f*) the manner in which the expense referred to in sub-section (2) of section 8 shall be calculated;

(*g*) the manner in which an animal may be dealt with under sub-section (3) of section 8;

(*h*) the contagious or infectious diseases referred to in sub-section (4) of section 8;

(*i*) the rules subject to which a veterinary officer may issue an order under section 9;

(*j*) the tests to which an animal may be subjected under section 11;

(*k*) the rules subject to which a *post-mortem* examination of an animal may be made under section 12;

(*l*) the manner in which an animal may be buried under sub-section (1) of section 13;

(*m*) the rules subject to which a veterinary officer may take action under section 17.